

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HUDSON SURGICAL DESIGN, INC.,

Plaintiff,

v.

ZIMMER HOLDINGS, INC., ZIMMER,
INC., RUSH SYSTEM FOR HEALTH and
RUSH-PRESBYTERIAN-ST. LUKE'S
MEDICAL CENTER, INC.,

Defendants.

No. 08 C 1566

The Honorable Virginia M. Kendall

Mag. Judge Nan R. Nolan

**DEFENDANTS' JOINT AND AGREED MOTION FOR EXTENSION OF TIME
TO ANSWER OR OTHERWISE PLEAD TO PLAINTIFF'S
COMPLAINT FOR PATENT INFRINGEMENT**

Defendants Zimmer, Inc., Zimmer Holdings, Inc., Rush System For Health and Rush-Presbyterian-St. Luke's Medical Center, Inc., respectfully move the Court to enlarge, to May 9, 2008, the time period for Defendants to file their answers or otherwise respond to Plaintiff Hudson Surgical Design, Inc.'s ("Hudson") Complaint for patent infringement. This is the first request of this type, and, as shown in the Certificate of Consultation below, Hudson has consented to this relief.

Hudson filed its Complaint on March 18, 2008, and is believed to have served defendants on various days, beginning on or about March 20, 2008 and continuing for at least six days thereafter. Under Fed. R. Civ. P. 12(a)(1)(A), the deadline for defendants to file their answers would be April 9, 2008 for the Rush defendants and April 15, 2008 for the Zimmer defendants. On or about April 3, 2008, counsel for Hudson, during a teleconference with defendants' counsel, Christina L. Brown, agreed to an extension of time to May 9, 2008

for defendants to answer or otherwise respond to Hudson's Complaint. Accordingly, this motion is consented-to.

Further, Hudson intends to file an amended complaint to reflect that defendant Rush-Presbyterian-St. Luke's Medical Center, Inc. changed its name to Rush University Medical Center. The amended complaint will not have any change other than those relating to the name change referred to above. Defendants agree to answer or otherwise respond to the amended complaint by May 9, 2008 provided the amended complaint is filed and served upon the below listed counsel by April 15, 2008.

This relief is authorized by Fed. R. Civ. P. 6(b), and this motion has been made prior to the expiration of the original time period.

WHEREFORE, Defendants each and all respectfully request that the Court grant this Agreed Motion for Extension of Time, and that the Court allow an additional number of days, to and including May 9, 2008, for Defendants to answer or otherwise respond to Hudson's Complaint.

CERTIFICATE OF CONSULTATION

Undersigned counsel hereby certifies that in accordance with the Court's Case Management Procedures, prior to filing this motion, consultation was held with the opposing counsel for Hudson, Richard B. Megley, Jr., and resulted in authorization to state that Plaintiff agrees to the relief sought.

April 9, 2008

Respectfully submitted,

/s/ Christina L. Brown

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Counsel for Rush System for Health and

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 9, 2008, a copy of the foregoing DEFENDANTS' JOINT AND AGREED MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD TO PLAINTIFF'S COMPLAINT FOR PATENT INFRINGEMENT was served by electronic means via the Court's electronic filing system on the following attorneys of record:

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